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Before the
FEDERAL COMMUNICATIONS COMMISSION
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FEDERAL COMMUNICATIONS COMMISSION
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In the Matter of)
)
Amendment of 73.202(b)) MM Docket No. 01-__
Table of Allotments)
FM Broadcast Stations)
(Grants and Milan, NM))

To: John Karousos, Chief
Allocations Branch

PETITION FOR RULE MAKING

Pursuant to 47 CFR 1.420(g), KXXQ Radio Partners, LLC, licensee of station **KXXQ (FM), Grants, NM,**^{1/} respectfully petitions the FCC to institute a Rule Making proceeding that proposes to amend the FM Table of Allotments (i) to substitute channel 264C-0 for channel 264A at Grants, NM, (ii) to reallocate channel 264C-0 from Grants to Milan, NM, (iii) to substitute channel 299C-1 for vacant channel 265C-1 at Shiprock, NM and (iv) to modify the license of station KXXQ (FM) accordingly. See Modification of FM and TV Authorizations to Specify a New Community of License, 4 FCC Rcd 4870 (1989), recon. granted in part, 5 FCC Rcd 7094 (1990).

DISCUSSION

Attached hereto is an engineering report, which contains a channel study confirming that (i) channel 264C-0 can be substituted for channel 264A at Grants, NM, (ii) that channel 264C-0 can be reallocated from Grants to Milan, NM, consistent with the FCC's separation rules, conditioned on (iii) the substitution of

^{1/} KXXQ Radio Partners, LLC became the licensee of Station KXXQ (FM) this date, following a Closing with Assignor "Against the Wind Broadcasting, Inc."

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channel 299C-1 for vacant channel 265C-1 at Shiprock, NM . See Appendix A.

First, the proposed reallocation of substituted FM channel 264C-0 to Milan would not deprive Grants, NM, of its sole aural service; rather, Grants would retain four (4) other local, aural transmission services, including three other FM stations.^{1/} Moreover, the reallocation of channel 264C-0 from Grants to Milan would provide Milan with its (i) first competing local transmission service, (ii) first fulltime local service, (iii) and first local FM service. Furthermore, the reallocation would enable station KXXQ (FM) to greatly increase its service area, without any loss of present service to Grants. See Appendix A, Engineering Statement at 2. As the FCC has already found -- in a previous "Milan change-of-community proceeding" last year --^{2/} the proposal would result in a preferential arrangement of FM allotments. See Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1992).^{3/}

^{1/} Grants would retain KAIU (FM), KYVA (FM), KQLV (FM) and KMIN (AM). In addition, there are two applications pending for the use of either channel 213C or channel 213C-2 at Grants. See Appendix A, Engineering Statement at 2.

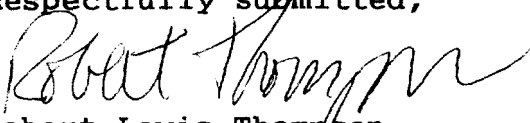
^{2/} See MM Docket No. 99-75, RM-9446, Report and Order, released September 22, 2000. Unfortunately, the FCC's September 22, 2000 Report and Order, approving the reallocation of channel 264A from Grants to Milan, was rescinded at the request of the current licensee's predecessor.

^{3/} The reallocation would not result in a disfavored "urban move-in," as the proposed city-grade contour of station KXXQ (FM) at Milan would not reach any Urbanized Area. See Headland, AL and Chattahoochee, FL, 10 FCC Rcd 1035 (1995).

Second, the attached engineering study also shows that channel 299C-1 can be substituted for vacant channel 265C-1 at Shiprock, NM, consistent with the FCC rules. ^{4/}

Finally, should this Petition be granted, and channel 264C-0 be substituted for channel 264A at Grants, NM and the channel reallocated to Milan, NM, Petitioner will apply for channel 264C-0 and, after it is authorized, will promptly construct the new facility.

Respectfully submitted,


Robert Lewis Thompson
THIEMANN AITKEN & VOHRA, LLC
908 King Street, Suite 300
Alexandria, VA 22314
(703) 836-9400
rlt4fcc@erols.com

Counsel for KXXQ Radio Partners, LLC

January 25, 2001

^{4/} The fact that channel 265C-1 is scheduled for auction in the May 9, 2001 Broadcast Auction is no bar to the instant proposal. Should the auction winner receive a construction permit and actually construct a channel 265C-1 facility prior to the time that this proceeding is resolved, the applicant hereby agrees to reimburse that permittee/licensee for its reasonable costs in changing Class C-1 frequencies at Shiprock, NM.

JAMES B. HATFIELD, PE
BENJAMIN F. DAWSON III, PE
THOMAS M. ECKELS, PE
STEPHEN S. LOCKWOOD, PE
DAVID J. PINION, PE
PAUL W. LEONARD, PE
ERIK C. SWANSON
THOMAS S. GORTON

HATFIELD & DAWSON
CONSULTING ELECTRICAL ENGINEERS
9500 GREENWOOD AVE. N.
SEATTLE, WASHINGTON 98103

TELEPHONE
(206) 783-9151
FACSIMILE
(206) 789-9834
E-MAIL
hatdaw@hatdaw.com
MAURY L. HATFIELD, PE
CONSULTANT
Box 1326
ALICE SPRINGS, NT 5950
AUSTRALIA

ENGINEERING STATEMENT

PETITION FOR RULEMAKING TO
AMEND SECTION 73.202 OF THE RULES
AND REGULATIONS FOR THE FEDERAL
COMMUNICATIONS COMMISSION

TO ASSIGN FM CHANNEL 264C0
FOR USE AT MILAN, NEW MEXICO

TO ASSIGN FM CHANNEL 299C1
FOR USE AT SHIPROCK, NEW MEXICO

KXXQ RADIO PARTNERS, LLC

1/2001

Engineering Statement

This Engineering Statement has been prepared on behalf of KXXQ Radio Partners, LLC ("KRP"), licensee of station KXXQ 264A Grants, New Mexico, in support of a Petition for Rulemaking to amend §73.202 of the Commission's Rules to:

- 1) Substitute Channel 264C0 at Milan, New Mexico, for Channel 264A at Grants, New Mexico, and modify the license of station KXXQ to specify operation on the upgraded channel, and;
- 2) Substitute Channel 299C1 for vacant and unapplied-for Channel 265C1 at Shiprock, New Mexico.

Channel 264C0 at Milan

As outlined in the attached channel study, Channel 264C0 can be assigned for use at Milan in compliance with the Commission's applicable Rules and Regulations regarding the separation among FM allotments, assuming that Channel 299C1 is substituted for Channel 265C1 at Shiprock. For this study the coordinates of a hilltop site on Haystack Mountain (NL 35° 21' 19" x WL 107° 56' 52") have been used. This site is 21.3 kilometers from Milan, the coordinates of which are NL 35° 10' 11" x WL 107° 53' 25". The nominal distance to the 70 dBu F(50,50) contour for a Class C0 station is 59.1 kilometers. Therefore, this site will provide greater than 70 dBu coverage for all of Milan.

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The proposed allotment of Channel 264C0 at Milan will provide the first competitive local service, first full-time local service, and the first FM service, to that community. Milan presently receives service from daytime-only station KZKL 1130 kHz. Grants will retain full-time local service from stations KAIU Channel 224A, KYVA Channel 279C, KQLV Channel 288C, and KMIN 980 kHz. In addition, there are two applications pending for the use of either Channel 213C or Channel 213C2 at Grants.

Channel 299C1 at Shiprock

As outlined in the attached channel study, Channel 299C1 can be substituted for Channel 265C1 for use at Shiprock in compliance with the Commission's applicable Rules and Regulations regarding the separation among FM allotments. For this study the coordinates of the Shiprock Channel 265C1 allotment site (NL 36° 46' 12" x WL 108° 42' 49") have been used.

Channel 265C1 at Shiprock is a vacant and unapplied-for allotment. Therefore, the proposed substitution of Channel 299C1 for Channel 265C1 at Shiprock will not require the modification of an operating station.

Gain and Loss Areas

The present operation of Channel 264A at Grants provides 60 dBu service to an area of 2,462 km² with a 1990 Census population of 16,038 persons.

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The proposed operation of Channel 264C0 at Milan will provide 60 dBu service to an area of 21,636 km² with a 1990 Census population of 69,053 persons.

The 60 dBu contour from Channel 264C0 at Milan completely encompasses the 60 dBu contour from the present Channel 264A operation at Grants. Therefore, there will be no loss areas associated with that upgrade. The gain area associated with the upgrade at Milan encompasses 19,174 km² and a 1990 Census population of 53,015 persons.

The substitution of Channel 299C1 for Channel 265C1 at Shiprock will not involve any gain or loss areas.

No Tuck Analysis Necessary

Neither Grants nor Milan is located within an Urbanized Area, and the Milan Channel 264C0 70 dBu contour will not encompass any Urbanized Areas. The channel substitution at Shiprock does not involve any change in allotment site or community of license. Based upon these circumstances, no "Tuck" analysis is believed to be required in support of the proposed reallocation plan.

SEARCH PARAMETERS

FM Database Date: 001010

Channel: 264C0 100.7 MHz

Page 1

Latitude: 35 21 19

Longitude: 107 56 52

Safety Zone: 50 km

Job Title: Milan 265C0 Allotment Site

Call Status	City St	FCC File No.	Channel Freq.	ERP(kW) HAAT(m)	Latitude Longitude	Bearing deg-True	Dist (km)	Req (km)
K211DX LIC	GALLUP NM	BLFT-000215ABP	211D 90.1	0.250 97.0	35-32-31 108-44-31	286.3	75.02 0.00	0 TRANS
KPEK LIC	ALBUQUERQUE NM	BLH-800117AG	262C 100.3	22.500 1253.0	35-12-51 106-27-02	96.2	137.10 32.10	105 CLEAR
KRSJ LIC	DURANGO CO	BLH-5669	263C1 100.5	100.000 79.0	37-15-46 107-53-45	1.2	211.71 15.71	196 CLEAR
KRSJ CP	DURANGO CO	BPH-990219IL	263C 100.5	30.000 599.0	37-21-46 107-47-37	3.5 SS	223.19 3.19	220 CLOSE
KXXQ LIC	GRANTS NM	BLH-961213KB	264A 100.7	1.700 59.0	35-07-09 107-54-08	171.0	26.52 -188.48	215 SHORT
KLVF LIC	LAS VEGAS NM	BLH-890626KA	264C3 100.7	10.000 -23.0	35-35-48 105-12-21	83.0	250.29 24.29	226 CLEAR
K264AE LIC	TAOS NM	BLFT-960613TB	264D 100.7	0.250 102.0	36-23-23 105-34-58	61.0	242.47 0.00	0 TRANS
K264AE CP	TAOS NM	BPFT-990317TC	264D 100.7	0.250 126.0	36-23-22 105-35-09	60.9	242.21 0.00	0 TRANS
None VACANT	SHIPROCK NM		265C1 100.9	0.000 0.0	36-46-12 108-42-49	336.6	171.47 -24.53	196 SHORT
NOTE: THIS PETITION PROPOSES SUBSTITUTION OF CHANNEL 299C1 AT SHIPROCK								
K265CA LIC	ALBUQUERQUE NM	BLFT-900514TT	265D 100.9	0.050 DA 1587.0	35-12-50 106-27-07	96.2	136.98 0.00	0 TRANS
KRQS LIC	ALBUQUERQUE NM	BLH-941027KA	267A 101.3	6.000 100.0	35-04-06 106-46-46	106.4	111.04 25.04	86 CLEAR
KRQS CP	ALBUQUERQUE NM	BPH-990505IE	267A 101.3	3.700 128.0	35-04-06 106-46-46	106.4	111.04 25.04	86 CLEAR

===== END OF FM SPACING STUDY FOR CHANNEL 264 =====

SEARCH PARAMETERS

FM Database Date: 001010

Channel: 299C1 107.7 MHz

Page 1

Latitude: 36 46 12

Longitude: 108 42 49

Safety Zone: 50 km

Job Title: Shiprock 299C1 Allotment Site

Call Status	City St	FCC File No.	Channel Freq.	ERP(kW) HAAT(m)	Latitude Longitude	Bearing deg-True	Dist (km)	Req (km)
KDAG LIC	FARMINGTON NM	BLH-820420AF	245C1 96.9	100.000 152.0	36-39-49 108-12-55	104.8	46.06 12.06	34 CLEAR
KDAG CP	FARMINGTON NM	BPH-970310IA	245C 96.9	100.000 307.0	36-48-52 107-53-32	85.9	73.48 32.48	41 CLEAR
K269EO LIC	DOLORES CO	BLFT-971219TE	296D 107.1	0.074 DA 307.0	37-27-40 108-30-30	13.3	78.84 0.00	0 TRANS
VACANT	SILVERTON CO	-	296C 107.1	0.000 0.0	37-21-49 107-47-30	50.8	105.18 0.18	105 CLOSE
K296DL LIC	FARMINGTON NM	BLFT-931015TA	296D 107.1	0.250 DA 207.0	36-41-51 108-13-19	100.3	44.65 0.00	0 TRANS
KLJH CP	BAYFIELD CO	BPH-000327ABD	296C 107.1	100.000 570.0	37-21-49 107-47-30	50.8 SS	105.18 0.18	105 CLOSE
KFXR LIC	CHINLE AZ	BLH-950908KE	297C2 107.3	3.600 497.0	36-21-07 109-49-54	245.4	110.32 31.32	79 CLEAR
K299AJ LIC	DURANGO CO	BLFT-951023TI	299D 107.7	0.150 381.0	37-15-43 107-54-19	52.4	90.31 0.00	0 TRANS
KBKL LIC	GRAND JUNCTION CO	BLH-980304KI	300C 107.9	100.000 445.0	39-03-56 108-44-52	359.3	254.81 45.81	209 CLEAR
K300AL CP	FLORA VISTA NM	BMPFT-000313AAR	300D 107.9	0.100 DA 138.0	36-50-04 108-01-40	83.1	61.62 0.00	0 TRANS

===== END OF FM SPACING STUDY FOR CHANNEL 299 =====

Statement of Engineer

This Engineering Statement supporting a Petition for Rulemaking to revise the Table of Allotments at Grants, Milan, and Shiprock, New Mexico, has been prepared on behalf of KXXQ Radio Partners, LLC. All representations herein are true to the best of my knowledge. I am an experienced radio engineer whose qualifications are a matter of record with the Federal Communications Commission. I am a partner in the firm of Hatfield & Dawson Consulting Engineers and am Registered as a Professional Engineer in the States of Washington and Alaska.

Signed this 19th day of January, 2001.



Stephen S. Lockwood, P.E.

Hatfield & Dawson Consulting Engineers